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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,616	10/20/2003	Drew James Van Norman	87358.2160	2584
<div>7590 11/13/2008</div> <div>BAKER &amp; HOSTETTLER LLP</div> <div>Suite 1100</div> <div>Washington Square</div> <div>1050 Connecticut Avenue, N.W.</div> <div>WASHINGTON, DC 20036</div>				
<div>EXAMINER</div> <div>BERTHEAUD, PETER JOHN</div>				
<div>ART UNIT</div> <div>PAPER NUMBER</div> <div>3746</div>				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/687,616

**Applicant(s)**

NORMAN ET AL.

**Examiner**

PETER J. BERTHEAUD

**Art Unit**

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28 and 30-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 28 and 30-35 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office action is in response to amendments filed 7/30/2008. It is noted that claims 28 and 32 have been amended and claims 1-27 and 29 have been cancelled.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 28, 30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veyrat 4,797,071 in view of Paugh 3,008,631, in view of Succop 2,880,676, and in further view of Martin 4,127,365.

Veyrat discloses a motor and pump assembly comprising a motor drive assembly (clearly seen on left side of element 40 in Fig. 3) having a driven final output element 48 rotating about a longitudinal axis, and a housing with a first mounting face (see 41) having a circular nose (see nose which borders seal 43) projecting outwardly therefrom in the axial direction; a pump assembly (clearly seen on right side of element 40) having an input shaft 51 rotatable about the axis and co-axial with the output element 48 and mateable with the output element; an adapter body 40 detachably coupled in between the motor drive assembly and the pump assembly, the adapter body 40 having a second mounting face (see face of 40 that borders seal 43) with a circular groove adapted to receive the projecting nose in a complementary fashion, the

first mounting face (41) and the second mounting face (40) being detachably mountable flush with each other by a first set of threaded fasteners 42 with the nose received in the groove, so that the nose and the groove provide radial alignment between the first face and the second face, the adapter body 40 further comprising a third mounting face detachably mountable to the pump assembly; and a base rigidly coupled to the adapter body 40; wherein the base is detachable from at least one of the pump assembly and the adapter body 40 to permit the adapter body 40 to be detached from the pump assembly. Veyrat (Fig. 1) also discloses at least one registration pin that provides radial alignment of the adapter body 3 relative to the pump assembly 13 (see pins in between elements 3 and 13 in Fig. 1). However, Veyrat does not teach the following claim limitations taught by Paugh, Succop, and Martin.

Paugh teaches a motor and pump assembly comprising a motor drive assembly (see M and gear assembly in between walls 33 and 32) having a final output element 84; a pump assembly (A) having a pump input shaft (see 83, or more specifically the shaft that reference numeral 68 is pointing to) rotatable about an axis and coaxial with the output element 84 and detachably mateable with the output element via a male/female connection between the output element 84 and the input shaft (see coupling at 71).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the motor pump apparatus of Veyrat by implementing a detachable male/female connection between the output element and the input shaft, as taught by Paugh, in order to allow for quicker disassembly of the motor/pump unit.

Succop teaches a motor/pump assembly comprising an adapter body 14 (comprising 22 and 24), a base 18, a pump 12, and a motor 10. Succop further teaches that a first set of threaded fasteners separately attach said adapter body 14 (particularly 22) to said motor drive assembly (see col. 3, lines 29-32) and wherein a second set of threaded fasteners 62 separately attach said adapter body 14 (particularly 24) to said pump assembly 12.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the motor pump apparatus of Veyrat in view of Paugh by implementing first and second sets of threaded fasteners to connect the pump and motor to the adapter, as taught by Succop, in order to allow the pump or motor to be disconnected from the assembly without taking apart the entire device.

Martin teaches a gear pump comprising a motor drive assembly 21, a final output element 22, a pump assembly (see 11 and 13) with an input shaft 31 mateable with the final output element 22. Martin further teaches an adapter body (see can that surrounds the shaft coupling in combination with 16) as well as a base (see base under element 14 in Fig. 1) rigidly coupled to the adapter body and to the pump assembly 11, 13 that supports the apparatus by being connected to the pump assembly and the adapter body only (via 14), wherein the base is detachable from at least one of the pump assembly and the adapter body to permit the adapter body to be detached from the pump assembly, wherein the input shaft 31 and the output element 22 are engaged with each other when the drive assembly, pump and adapter body are all connected, and are

disengaged from each other when the drive assembly is detached from the adapter body.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the motor pump apparatus of Veyrat in view of Paugh and Succop by connecting the base to the pump assembly and adapter body only, as taught by Martin, in order to decrease the vibrations of the base by having the motor suspended (see motor in Fig. 1).

4. Claims 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veyrat 4,797,071 in view of Paugh 3,008,631, in view of Succop 2,880,676, in view of Martin 4,127,365, and in further view of Klauck 4,695,232.

Veyrat in view of Paugh, Succop and Martin discloses the invention as discussed above. However, Veyrat in view of Paugh, Succop and Martin does not teach the following claimed limitations taught by Klauck.

Klauck teaches a motor pump assembly comprising a motor drive assembly (element 4 and left half of body 3, split by wall 19), a final output element 10, a pump assembly 5 with an input shaft 12 mateable with the final output element 10 (via 11). Klauck further teaches that the adapter body (see right side of body 3) has a central bore therethrough (particularly portion surrounded by wall 20), and wherein the input shaft 12 of the pump assembly 5 extends completely through the adapter body without any bearing support from the adapter body.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the motor pump apparatus of Veyrat in view of Paugh, Succop and

Martin by having the input shaft of the pump assembly extend through the adapter body, as taught by Klauck, in order to easily align it with the output element of the motor drive assembly (Klauck, Fig. 1).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 28 and 30-35 have been considered but are moot in view of the new ground(s) of rejection.

6. In response to Applicant's arguments with respect to Veyrat: Applicant argues that Veyrat did not contemplate any removal or replacement of the motor since this would require destruction of the weld joint of the shaft. Applicant goes on to say that Veyrat in no way suggests applying the features of the secondary references, since they would serve no purpose whatsoever in the Veyrat system. Examiner respectfully disagrees. In Figure 3 of Veyrat it can be seen that the shaft 48 is attached to the rotor 47 by multiple fasteners (see bolt at rear end of 48), the motor is also attached to the adapter 40 by fasteners (see 42 and 46), and a casing covering the motor (see 81) can be accessed by removing fasteners (see bolt above reference numeral 81). Therefore, Veyrat most certainly suggests that the motor or pump unit may be removed and replaced by merely picturing fastening bolts, which are well known in the art to be unscrewed and re-screwed in order to replace parts of devices. Thus, the combination of the secondary references is indeed valid in view of these arguments.

7. In response to Applicant's arguments with respect to Succop and Martin: Examiner believes the Applicant to be arguing the references individually and not the combination as a whole. Succop and Martin are responsible for teaching only the

missing elements of Veyrat; they need not teach all the elements of claim 1 on their own.

8. In response to Applicant's arguments with respect to Klauck: Applicant again appears to be arguing the references individually. Klauck is merely responsible for teaching an input shaft extending through an adapter body arranged between a motor and pump; not for any specific alignment or detachability features. Thus, Examiner maintains the obviousness rejection of claims 31 and 35.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER J. BERTHEAUD whose telephone number is (571)272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles G Freay/  
Primary Examiner, Art Unit 3746

PJB  
/Peter J Bertheaud/  
Examiner, Art Unit 3746